



U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

AUG 23 2005

DOT-E 12858
(SECOND REVISION)

EXPIRATION DATE: July 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Union Carbide Corporation
South Charleston, WV

(See Appendix A of this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the transportation in commerce of certain Division 2.3 materials in DOT 105J400W tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
- b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that marking the exemption number on the shipping paper is waived; § 173.31(c)(1) and § 179.13 in that the maximum gross weight on rail may not be greater than 263,000 pounds except as provided herein.

5. BASIS: This exemption is based on the application of Union Carbide Corporation dated July 15, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):**AUG 23 2005**

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identification Number	Packing Group
Ethylene Oxide	2.3	UN1040	N/A

7. SAFETY CONTROL MEASURES:a. PACKAGING:

(i) Prescribed packagings are DOT Specification 105J400W tank cars constructed of TC-128 Gr B (norm) steel constructed under Certificate of Construction numbers F-967031, L-007024, and L-017025.

(ii) Each tank car must meet the Association of American Railroads (AAR) Standard S-259, dated January 5, 1995, and the following requirements:

Betterments	Type of Features
Puncture Resistance	Head thickness 0.781" TC-128 Gr (norm.) Shell thickness 0.719" TC-128 Gr (norm.) ½" thick full head shield
Controlling Longitudinal Loadings	Miner TF-880 "premium" draft gear
Structural Worthiness	UTL-ZBG stub sills having a 1,000 mile fatigue design per S-259, factored up by 1.09.
Track Worthiness	ASF Super Service Ride Control "advanced" trucks
Pressure Relief Device	Reclosing pressure relief device Midland A-1079 75 psi
Service Equipment Protection	Each car has a protective housing conforming to 49 CFR 179.100-12(c)
Maintenance Program Development	Ethylene Oxide Maintenance Plan, see attachment

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(iii) Each tank may be loaded to a maximum gross weight on rail not to exceed 286,000 pounds, provided that the tank is not loaded in excess of the amount authorized per § 173.24b.

b. MARKING - Each tank car operating under the terms of this exemption must be marked "DOT-E 12858" in four-inch letters and numerals on a contrasting background above the DOT Specification number.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each tank car may be operated only under controlled interchange conditions, as specified in the AAR Interchange Rules. Transit routes must be agreed to, in writing, by participating railroads. The written acceptance must be submitted to the Associate Administrator for Hazardous Materials Safety (AAHMS) at the address specified at the end of this exemption prior to the first offering on each route.

d. The shipping paper additional information requirement of § 172.203(a) is waived.

e. The applicant must file a copy of their complete maintenance program (see Appendix U of the Association of American Railroads Manual of Standards and Recommended Practices, M-1002, dated January, 1996) for any car operating under the terms of this exemption. The program must be filed with the Federal Railroad Administration, at the address indicated in paragraph 10 prior to offering a tank car under the terms of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement by contacting the:

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Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1120 Vermont Avenue, N.W.
Washington, D.C. 20590
(202) 493-6229 or 493-6248

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

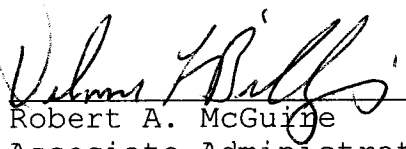
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any

incident involving a package, shipment or operation
conducted under terms of this exemption.

Issued in Washington, D.C.

for 
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous
Materials Safety, Pipeline and Hazardous Materials Safety
Administration, Department of Transportation, Washington, D.C.
20590. Attention: PHH-31.

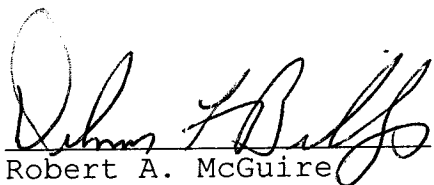
Copies of this exemption may be obtained by accessing the
Hazardous Materials Safety Homepage at
<http://hazmat.dot.gov/exemptions> Photo reproductions and legible
reductions of this exemption are permitted. Any alteration of
this exemption is prohibited.

PO: FG/AM

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
The Dow Chemical Company Midland, MI	Aug 2, 2005	AUG 23 2005	Jul 31, 2007



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety